



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,269	02/12/2004	Hubert Ringhoff	P24743	5503
7055 7590 07/09/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT 1733	PAPER NUMBER
			NOTIFICATION DATE 07/09/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/776,269

Applicant(s)

RINGHOFF ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) 35-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1733

1. Claims 35-40 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 24, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 12, 14-16, 18, 21-23, 31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US 5,156,713).

Ishii et al. is applied for the same reasons as set forth in the last office action. As to the new requirement that the belt building drum device is movable "from one side of the first production line to another side of the first production line", as noted in the last office action (relevant to the previously added requirement that the drum device be movable "across" the first production line), the belt drum is movable across the line (K) to a transfer position and thus necessarily would be movable from one side of this line to the other. Applicant has argued that "ISHII does not disclose or suggest that the movable belt building drum device 220 is movable across the axis K and from one side of the production line to another side of the production line" (emphasis in original) and that such movement is prevented by transfer means 224. This argument has been carefully considered but is unpersuasive for essentially the same reasons as set forth in the last office action. In particular, prior to movement of the drum 220 across the axis K, which axis characterizes the first production line, the transfer means 224 is rotated 90 degrees around "M" from its position illustrated in fig. 14 to what is described as the

Art Unit: 1733

"first position" (col. 15, lines 43-47) in which the axis of the transfer means 224 is coaxial with the axis "L". Contrary to applicant's arguments, therefore, such would allow *and in fact require* that the drum 220 cross the axis K (which necessarily means crossing from one side to the other side thereof) in order to be surrounded by the transfer means 224 so that the built belt can then be transferred to the transfer means, it being stressed that the transfer means 224 is of course a hollow ring that would be adapted to surround the drum 220. In other words, in order to transfer the belt assembly, the drum 220 will move to a position such that it is surrounded by the transfer means and bisected by the axis K and in order to be bisected by axis K, *it must have crossed this axis*. Likewise, since it crossed this axis, it necessarily crosses to the other side of this axis - there are at present no structural and/or functional requirements in the claims that would require anything more than this. This apparatus is therefore again considered to anticipate the noted claims.

4. Claims 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied in the last office action.

5. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied above, and further in view of at least one of [Riggs (US 4,304,619) and Alexander (US 4,204,903)] as applied in the last office action.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied to claim 1 above, and further in view of at least one of [DE 19918523 to Continental and Habert (US 3,888,720)] as applied in the last office action.

Art Unit: 1733

7. Applicant's arguments filed 4-30-2007 have fully considered but they are not persuasive.

The prior art rejections will be maintained, the arguments with respect thereto being answered within the statement of rejection above.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
July 2, 2007